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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,650	03/14/2001	Jeffrey L. Peyton	A-69185/MSS	4939

7590 03/07/2005

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EXAMINER

QUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,650

Applicant(s)

PEYTON, JEFFREY L.

Examiner

Jonathan Ouellette

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004 and 31 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-13,16-18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-13,16-18 and 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 2-4, 14-15, and 19 have been cancelled; therefore Claims 1, 5-13, 16-18, and 20-23 are currently pending in application 09/808,650.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5-13, 16-18 and 20-23 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention (Puppetools: www.puppetools.com, retrieved from Internet Archive Wayback Machine <www.archive.org>, date range: 12/22/1997- 3/1/2000).
3. As per independent Claims 1, 7, 16 and 23, Puppetools discloses the elements of the claimed invention, such as: providing one or more images in a computer environment, downloading selected of said one ore more images to provide said images in paper form (printing); forming said paper form to create a puppet representative of said image by affixing a hinge to the paper form [a hinge attached or integrated to said paper form, said hinge being adapted for hand manipulation to create a hand actuated puppet representative of said one or more images] (pgs.9-16); and interacting with an on-line training laboratory (online training course) on the puppet site (pg.7, pgs.17-21), the training laboratory comprising a plurality of developmental segments having multimedia audio and video files containing content which facilitates learning and communication in

connection with play with the puppet (further disclosed in description of site under construction, pg. 4).

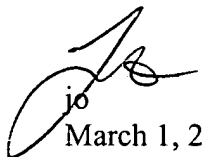
4. As per the remaining dependent claims 5-6, 8-13, 17-18, and 20-22, Puppetools discloses all the claimed elements, to include printing puppets and offering play instruction (www.puppetools.com).

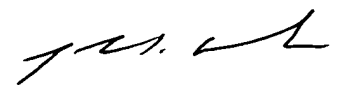
Response to Arguments

5. Applicant's arguments filed 12/20/2004 and 1/31/2005, with respect to Claims 1, 5-13, 16-18, and 20-23, have been fully considered but they are not persuasive. The rejection will remain as FINAL.
6. The applicant makes the argument that the cited prior art is neither a year prior to the priority submission date of the application nor does it contain all the elements claimed in the instant invention.
7. However, the prior art shows that the web page was available on 3/1/2000 (pg.3, www.puppetools.com), which is more than a year prior to the priority date of 3/11/2001.
8. Furthermore, as disclosed in the rejection above, the cited prior art discloses the each and every element of the *claimed business concept*, to include: "a working laboratory you can visit, observe, or participate in; video segments of Puppetools classrooms and workshops, and patterns you can download" (pg.4, www.puppetools.com).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662 ((571) 272-6807 effective April 13, 2005). The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned (703) 872-9306 for all official communications.
11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.


March 1, 2005


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3300